



House of Representatives

General Assembly

File No. 613

February Session, 2010

Substitute House Bill No. 5237

House of Representatives, April 21, 2010

The Committee on Appropriations reported through REP. GERAGOSIAN of the 25th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE INVESTIGATION OF MISSING PERSONS REPORTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2010*) (a) For the purposes of
2 this section and section 2 of this act, "law enforcement agency" means
3 the Division of State Police within the Department of Public Safety or
4 any municipal police department and "high-risk missing person"
5 means a missing person who has been classified as high risk by a law
6 enforcement agency based upon (1) information that the missing
7 person suffers from senility, suicidal episodes, depression or any
8 physical or medical condition that requires immediate medication; (2)
9 a reasonable indication that the missing person may have met with
10 foul play or there is evidence of a risk to life or safety; or (3) a
11 preponderance of evidence that would lead a reasonable person to
12 conclude that the individual's disappearance was not voluntary in
13 nature.

14 (b) A law enforcement agency shall accept without delay any report
15 of any adult high-risk missing person. When the law enforcement
16 agency makes a determination that a missing person is a high-risk
17 missing person, such agency shall enter information relating to the
18 missing person into all appropriate federal or state databases as soon
19 as practicable and shall distribute such information internally as soon
20 as practicable to officers and members of the agency at roll call and by
21 any other means deemed appropriate by such agency.

22 (c) The law enforcement agency shall notify the person making the
23 report, a family member or any other person in a position to assist the
24 law enforcement agency in its efforts to locate the high-risk missing
25 person by providing to such person, family member or other person:

26 (1) General information about the handling of the missing person
27 case or about intended efforts in the case, to the extent that the law
28 enforcement agency determines that disclosure would not adversely
29 affect its ability to locate or protect the missing person or to apprehend
30 or prosecute any person criminally involved in the disappearance; and

31 (2) Information advising the person making the report and other
32 involved persons that if the missing person remains missing, they
33 should contact the law enforcement agency to provide additional
34 information and materials that will aid in locating the missing person,
35 such as any credit or debit cards the missing person has access to,
36 other banking or financial information and any records of cellular
37 telephone use.

38 (d) In cases where DNA samples are requested, the law enforcement
39 agency shall notify such person or family member that all such DNA
40 samples are provided on a voluntary basis and shall be used solely to
41 help locate or identify the missing person and shall not be used for any
42 other purpose.

43 (e) The Division of Scientific Services within the Department of
44 Public Safety shall enter any DNA samples regarding missing persons
45 into applicable law enforcement databases intended to identify and

46 locate missing persons in a timely manner.

47 (f) If the person identified in the missing person report remains
48 missing for thirty days, and the additional information and materials
49 specified in subdivisions (1) to (4), inclusive, of this subsection have
50 not been received, the law enforcement agency shall attempt to obtain:

51 (1) DNA samples from family members and, if possible, from the
52 missing person, along with any needed documentation, including any
53 consent forms, required for the use of state or federal DNA databases;

54 (2) Dental information and x-rays of the missing person, and an
55 authorization to release dental or skeletal x-rays of the missing person;

56 (3) Any additional photographs of the missing person that may aid
57 the investigation or an identification; and

58 (4) Fingerprints of the missing person.

59 (g) Nothing in this section shall be construed to preclude a law
60 enforcement agency from obtaining any of the materials identified in
61 this section before the thirtieth day following the filing of the missing
62 person report.

63 (h) A law enforcement agency shall only be required to implement
64 the provisions of this section if appropriations are available for such
65 implementation.

66 Sec. 2. (NEW) (*Effective October 1, 2010*) Agencies handling remains
67 identified to be those of a missing person shall notify the law
68 enforcement agency handling the missing person's case. Documented
69 efforts shall be made to locate family members of the deceased person
70 to inform them of the death and location of the remains of their family
71 member.

72 Sec. 3. (NEW) (*Effective July 1, 2010*) On or before January 1, 2012,
73 the Police Officer Standards and Training Council shall, in consultation
74 with the Division of State Police within the Department of Public

75 Safety, develop a training disc or other training material as the council
76 or division deems appropriate regarding the responsibilities of law
77 enforcement agencies in responding to and reporting high-risk missing
78 persons, including preferred methods of response that are sensitive to
79 the emotions of the person making the report.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	New section
Sec. 2	<i>October 1, 2010</i>	New section
Sec. 3	<i>July 1, 2010</i>	New section

APP *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 11 \$	FY 12 \$
Public Safety, Dept.	GF - Potential Cost	94,000	94,000
Police Officer Std. & Training Council	GF - Potential Cost	Minimal	Minimal

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 11 \$	FY 12 \$
Various Municipalities	Potential Cost	17,700	17,700

Explanation

This bill could result in an estimated annual cost of up to approximately \$112,000 to law enforcement agencies by requiring them to attempt to obtain DNA samples from persons or family members of persons missing for at least thirty days, if appropriations are available to support this endeavor.

The total estimated cost of the DNA sample kits is \$17,700 per year for law enforcement agencies administering the sample, including municipal Police Departments and Department of Public Safety (DPS) through the Resident State Trooper program.¹ The estimated cost to DPS to process these kits in the Division of Scientific Services is approximately \$94,000 per year. These costs will vary depending on the number of missing cases that remain open thirty or more days and

¹ This estimate assumes that local law enforcement officers will take the necessary DNA samples. If there are instances where the DNA sampling is administered by an outside contractor, the estimated cost is \$100 per sample.

the number of family-member samples taken.²

If appropriated funds are not available for collecting and processing DNA samples, it is anticipated that law enforcement agencies and DPS could either (1) shift funding from other priorities or programs to complete the procedure, (2) delay the procedure, or (3) not implement the procedure.

It is anticipated that the missing-persons training requirement as outlined in Section 3 of the bill will have a minimal impact on POST. Currently POST provides four hours of training on missing-persons and additional training in this area as part of other units in the curriculum.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of missing person reports open for thirty or more days.

Sources: Department of Public Safety; U.S. Census Bureau 2006-2008 American Community Survey 3-Year Estimates; Iowa Department of Public Safety Missing Persons Report, 2005

² This estimate is based upon an average of 7,300 missing persons cases reported annually in Connecticut, per the Department of Public Safety's *Crimes in Connecticut 2006* annual report, and assumes 10% of these cases will not be solved within thirty days. Per the U.S. Census, the estimate also assumes the average family of a missing person has three members, all of whom will give DNA samples.

OLR Bill Analysis**sHB 5237*****AN ACT CONCERNING THE INVESTIGATION OF MISSING PERSONS REPORTS.*****SUMMARY:**

This bill establishes procedures that state and local police must follow, if appropriations are available, when receiving and investigating reports of anyone they classify as a high-risk missing person. Existing law already requires (1) local police departments that receive a report of a missing senior, mentally impaired adult, or child under age 15, to immediately accept the report and notify all on-duty police officers and other appropriate law enforcement agencies and (2) the State Missing Children Information Clearing House to help collect, maintain, and disseminate information that will help to locate these people.

The bill also requires the Police Officer Standards and Training (POST) Council to develop training material for police about their responsibilities in responding to such reports. As required by law, the council has already developed a policy governing the way law enforcement agencies take and respond to reports of missing persons (see BACKGROUND).

EFFECTIVE DATE: July 1, 2010 for the development of training material; October 1, 2010 for the remaining provisions.

HIGH-RISK MISSING PERSONS***Definitions***

The bill defines a “high-risk missing person” as anyone a police department classifies as such based on:

1. information that the person is senile, suicidal, depressed, or has

- a physical or medical condition requiring immediate medication;
- 2. a reasonable indication that the person may have met with foul play or his or her life or safety is at risk; or
- 3. a preponderance of evidence that would lead a reasonable person to conclude that the person did not disappear voluntarily.

Police Responsibilities

Adult High-Risk Missing Persons. The bill requires police departments to accept reports of adult high-risk missing persons without delay.

All High-Risk Missing Persons. When a department determines that a missing person is a high-risk missing person, it must, as soon as practicable, (1) enter information about him or her into all appropriate federal or state databases and (2) distribute the information to department officers and members at roll call and by any other means it deems appropriate.

The department must also give the person making the report, a relative, or anyone who can help find the missing person, general information about how it is handling or intends to handle the case, to the extent that it determines that disclosure will not adversely affect its ability to find or protect the person or to apprehend or prosecute anyone criminally involved in the disappearance. It must advise the parties that if the person is not located, they should give the department additional information and material that will help locate him or her. This includes any credit or debit cards to which the person has access, other banking or financial information, and any records of cell phone use.

Deadline for Certain Actions

If a missing person is not located within 30 days after a report is filed, the department must try to get the following information and

material:

1. DNA samples from relatives and, if possible, from the missing person, along with any needed documentation, including any consent forms, required to use state or federal DNA databases;
2. the missing person's dental information and x-rays and authorization to release them;
3. the missing person's fingerprints; and
4. any additional photographs of the missing person that may aid the investigation or an identification.

The bill specifies that a department may obtain any of the above information or material before the 30th day after the report filing.

DNA Sampling

If a department requests DNA samples, it must inform the person who made the report, a relative, or a third-party that providing the samples is voluntary and the samples will be used solely to help locate or identify the missing person.

The Department of Public Safety's Division of Scientific Services must enter, in a timely manner, DNA samples regarding missing persons into applicable law enforcement databases intended to identify and locate missing persons.

Missing Person Remains

Agencies handling remains identified as those of a missing person must notify the police department handling the missing person's case. Documented efforts must be made to locate relatives of the deceased to inform them of the death and location of the remains.

POLICE OFFICER STANDARDS AND TRAINING COUNCIL

By January 1, 2012, the bill requires POST, in consultation with the State Police, to develop a training disc or other training material, as it deems appropriate, on police departments' responsibilities in

responding to and reporting high-risk missing persons. This includes preferred methods of response that are sensitive to the emotions of people making reports.

BACKGROUND

Missing Person Reports and Connecticut's Missing Children Information Clearinghouse

By law, local police departments that receive a report of a missing senior, mentally impaired adult, or child under age 15, must immediately accept the report and notify all on-duty police officers and other appropriate law enforcement agencies (CGS § 7-282c).

By law, local law enforcement agencies must submit reports of all missing children under age 18 to the state's missing persons' clearinghouse. Parents may also notify the clearinghouse once they report to local police. The clearinghouse is the state's central repository of information on missing children and others, and the information it collects is used to help locate missing children. It also investigates reports it receives of missing children and cooperates with other law enforcement agencies' investigations, tries to assure that its information is accurate and complete, and participates in an intrastate system for communicating information on missing children (CGS § 29-1e).

POST Missing Persons Policy

The law requires POST to develop a policy governing the way police departments handle missing person reports. The policy must include:

1. guidelines for accepting reports;
2. types of information an agency must collect and record;
3. circumstances that indicate that a missing person should be classified as high risk;
4. types of information the agency should provide to the person

making a report, the missing person's relatives, or anyone who can help the agency find the person; and

5. agency responsibilities and procedures in responding to a report (CGS § 7-294o).

The council adopted the policy in 2007. Of 74 departments that responded to a January 2009 council survey, 24 had adopted the POST policy and two were adopting it. Twenty-six had modified their own policies based on the council's guidelines.

Legislative History

The House referred the bill (File 181) to the Appropriations Committee, which reported a substitute, requiring the provisions on police handling of missing person reports be implemented only if appropriations are available.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable

Yea 17 Nay 3 (03/11/2010)

Appropriations Committee

Joint Favorable Substitute

Yea 49 Nay 2 (04/12/2010)